

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION** 04 MAY 26 PM 12:15

CIVIL ACTION NO. C-1-00-869

MARK R. HOOP and
LISA J. HOOP

PLAINTIFFS/
COUNTERCLAIM DEFENDANTS

V. **RESPONSE TO PLAINTIFFS' MEMORANDUM IN OPPOSITION
TO DEFENDANTS' MOTION FOR LEAVE TO FILE A LATE REPLY**

JEFFREY W. HOOP, STEPHEN E. HOOP, and
HOOPSTERS ACCESSORIES, INC.

DEFENDANTS/
COUNTERCLAIM PLAINTIFFS

Defendants/Counterclaim Plaintiffs ("Defendants"), by counsel, respond to Plaintiffs/Counterclaim Defendants' ("Plaintiffs") Memorandum in Opposition to Defendants' Motion for Leave to File a Late Reply, as follows:

Defense counsel was required to file the Motion for Costs, Expenses, Attorneys Fees, and Exemplary Damages, within ten (10) days after entry of the Judgment by statute. On the night of the jury's verdict, the Court advised defense counsel that it would grant her an extension to file this Motion for Costs, Expenses, Attorneys Fees, and Exemplary Damages. Defense counsel should not be penalized for opting to file it timely and requesting an extension now.

Defense counsel is a solo practitioner in a very busy law firm in Southeastern Kentucky. One of her clients, Jeffrey W. Hoop, is a resident of Ocala, Florida. Her clients' parents, who paid the expenses for Defendants' expert witnesses, are residents of Ocala, Florida, as well. Defense counsel had to communicate and coordinate with these individuals in Florida in order to obtain some of the documentation which supported the Motion for Costs, Expenses, Attorneys Fees, and Exemplary Damages.

As the Court will note upon review of the tendered Reply to Plaintiffs' Memorandum in Opposition to Defendants' Motion for Costs, Expenses, Attorneys Fees, and Exemplary Damages

("Reply"), defense counsel obtained copies of cancelled checks and other receipts from her clients' parents prior to completing and tendering the Reply. Her clients' parents had to wait for these checks to clear the bank before she could forward copies of them to defense counsel.

Defendants would be prejudiced by the Court's refusal to allow them to file the Reply. Plaintiffs' will not be prejudiced by a Court Order allowing Defendants to tender the Reply. In fact, Plaintiffs requested this detailed information in their Memorandum in Opposition to Motion for Costs, Expenses, Attorneys Fees, and Exemplary Damages.

WHEREFORE, Defendants, by counsel, respectfully request that Defendants' Motion for Leave to File a Late Reply be **GRANTED**.

Stella B. House
 STELLA B. HOUSE,
 ATTORNEY-AT-LAW, P.S.C.
 Post Office Box 422
 Manchester, Kentucky 40962-0422
 Trial Attorney for Defendants/
 Counterclaim Plaintiffs

By: Stella B. House, Esq.
 Stella B. House, J.D.
 Kentucky Bar No. 81805

CERTIFICATE OF SERVICE

I certify that an accurate copy of the Response to Plaintiffs' Memorandum in Opposition to Defendants' Motion for Costs, Expenses, Attorneys Fees, and Exemplary Damages was sent to Alfred J. Mangels, Esq., Co-Counsel for Plaintiffs/Counterclaim Defendants, 4729 Cornell Road, Cincinnati, Ohio 45241, and Timothy A. Magee, Esq., Co-Counsel for Plaintiffs/Counterclaim Defendants, 130 Sherman Drive, Findlay, Ohio 45840, on May 24, 2004.

STELLA B. HOUSE
 ATTORNEY AT LAW, P.S.C.

By: Stella B. House, Esq.
 Stella B. House, J.D.
 Trial Attorney for Defendants/
 Counterclaim Plaintiffs